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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,203	09/24/2003	Shang Jui Wang	Lyp3011	8956

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Shang Jui Wang
235 Chung - Ho
Box 8-24
Taipei,
TAIWAN

EXAMINER

WARTALOWICZ, PAUL A

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,203

Applicant(s)

WANG, SHANG JUI

Examiner

Paul A. Wartalowicz

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 5 and 7, the recitation "an upper side of the cover is formed with a through hole upon a top surface of the flat plate and a lower edge of the cover is formed as a rectangular shape". It is unclear what this recitation is taken to define. For the purposes of further examination, the definition of this recitation will be taken to define the border structure (fig. 4, #4) and particularly that it covers the top plate (fig.4, #12) and part of the side of the honeycomb structure of the flat plate (fig.4, #11).

Response to Arguments

Applicant's arguments, see pages 6-12, filed May 30, 2006, with respect to the rejection(s) of claim(s) 5-7 under 35 U.S.C 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Juvik-Woods (U.S. 5537937) and Juvik-Woods (U.S. 5213050) and Wielinga et al. (U.S. 6117520) and Benner (U.S. 2002/0189507) and Tsotsis (U.S. 5460865).

Priority

This application is claiming the benefit of prior-filed nonprovisional application No. 09/733341 under 35 U.S.C. 120, 121, or 365(c). Copendency between the current application and the prior application is required. Since the applications are not copending, the benefit claim to the prior-filed nonprovisional application is improper. Applicant is required to delete the reference to the prior-filed application from the first sentence(s) of the specification, or the application data sheet, depending on where the reference was originally submitted, unless applicant can establish copendency between the applications.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juvik-Woods (U.S. 5537937) in view of Juvik-Woods (U.S. 5213050) and Wielinga et al. (U.S. 6117520) and Benner (U.S. 2002/0189507).

Juvik-Woods ('937) teaches honeycomb stacking cardboard (col. 3, lines 40-43) comprising a flat plate (col. 5, lines 30-35), a plurality of legs below the flat plate (col. 4, lines 29-33), each leg being a long post like structure formed by a leg; wherein the flat plate and the leg being made by a plurality of honeycomb plates (col. 4, lines 57-62; fig 3, #306), a plurality of waterproof top plates adhered on an upper side of the flat plate; and each exposed side of the legs (col. 5, lines 35-40); a plurality of waterproof bottom plates-adhered on a lower side of the flat plate, each lower side of the upper legs and each of the lower legs wherein each envelope is an approximate U shape cross section so as to enclose three sides of each leg wherein the legs are arranged with an equal space in two dimensions (col. 4, lines 63-67; col. 5, lines 1-3; figure 3). Juvik-Woods ('937) also teach that L shape covering on the flat plate (col. 5, lines 30-34), the exposed outside of each leg is enclosed (col. 5, lines 30-34) by a waterproof kraft paper protecting envelope (col. 3, lines 55-61) and wherein each leg has three upper legs and a plate; the three upper legs are arranged above the lower leg so as to be formed as a leg with two slots; the legs are arranged with equal distance (col. 6, lines 5-10). Juvik-Woods ('937) fails to teach the L shape covering upon the top plate, each leg being a long post-like structure formed by at least one upper leg and lower leg being made by a plurality of honeycomb plates, that the three upper legs can be supplemented with a long lower leg formed of honeycomb structure such that a leg is formed with two slots,

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at least one upper leg and one lower leg formed of a honeycomb structure, and an upper side of the cover is formed with a through hole upon a top surface of the flat plate 1 and a lower edge of the cover is formed as a rectangular shape.

Juvik-Woods ('050), however, teaches a honey comb pallet (col. 1, lines 9-11) wherein an upper facing sheet is folded on the top side and over the sides of the core and sealed (col. 6, lines 32-40) for the purpose of imparting springiness and shock absorbing capabilities to the central core (col. 6, lines 50-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide an upper facing sheet is folded on the top side and over the sides of the core and sealed (col. 6, lines 32-40) in Juvik-Woods ('937) in order to impart springiness and shock absorbing capabilities to the central core (col. 6, lines 50-55) as taught by Juvik-Woods ('050).

As to the limitation of three upper legs can be supplemented with a long lower leg formed of honeycomb structure such that a leg is formed with two slots, at least one upper leg and one lower leg formed of a honeycomb structure, and the limitation of each leg being a long post-like structure formed by at least one upper leg and lower leg being made by a plurality of honeycomb plates, Wielinga et al. (U.S. 6117520) teach a honeycomb block (col. 1, lines 4-5) that have at least two layers of honeycomb elements which have two outer sheets delimiting the middle part for the purpose of absorbing a high proportion of energy directed toward the block (col. 1, lines 35-40, 24-27).

Tsotsis teach a hybrid honeycomb sandwich structure that has two layers joined with an interlayer different from the outer skins and is used to distribute load from the first into the second layer so as to minimize localized stresses (col. 2, lines 23-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide a honeycomb block (Wielinga et al.; col. 1, lines 4-5) that have at least two layers of honeycomb elements which have two outer sheets delimiting the middle part in order to absorb a high proportion of energy directed toward the block (Wielinga et al.; col. 1, lines 35-40, 24-27) and minimize localized stresses (Tsotsis; col. 2, lines 23-29) as taught by Wielinga et al. and Tsotsis.

As to the limitation of three upper legs can be supplemented with a long lower leg formed of honeycomb structure such that a leg is formed with two slots, the same line of reasoning for the rejection of at least one upper leg and one lower leg formed of a honeycomb structure is applied. It would be obvious to replace the plate of Juvik-Woods with a lower leg comprising a honeycomb structure because Wielinga et al. and Tsotsis teach that a honeycomb block (Wielinga et al.; col. 1, lines 4-5) that have at least two layers of honeycomb elements which have two outer sheets delimiting the middle part in order to absorb a high proportion of energy directed toward the block (Wielinga et al.; col. 1, lines 35-40, 24-27) and minimize localized stresses (Tsotsis; col. 2, lines 23-29) as taught by Wielinga et al. and Tsotsis.

As to the limitation of an upper side of the cover is formed with a through hole upon a top surface of the flat plate 1 and a lower edge of the cover is formed as a rectangular shape, Benner teaches a pallet (paragraph 0002) that has an overwrap that

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covers a substantially rectangular object such that the overwrap has a rectangular cross section (meets the limitation of an upper side of the cover is formed with a through hole upon a top surface of the flat plate and a lower edge of the cover is formed as a rectangular shape, paragraph 0029, lines 1-7) for the purpose of providing resistance to lateral forces encountered during storage and shipment of the pallet (paragraph 0029, lines 10-12).

Therefore, it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to provide a pallet (paragraph 0002) that has an overwrap that covers a substantially rectangular object such that the overwrap has a rectangular cross section (meets the limitation of an upper side of the cover is formed with a through hole upon a top surface of the flat plate and a lower edge of the cover is formed as a rectangular shape, paragraph 0029, lines 1-7) in order to provide resistance to lateral forces encountered during storage and shipment of the pallet (paragraph 0029, lines 10-12) as taught by Benner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Wartalowicz whose telephone number is (571) 272-5957. The examiner can normally be reached on 8:30-6 M-Th and 8:30-5 on Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (571) 272-1358. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Paul Wartalowicz
July 26, 2006


COLLEEN P. COOKE
PRIMARY EXAMINER